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26171 7590 08/12/2008 FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER TIV, BACKHEAN	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

***Response to Arguments***

Applicant's arguments filed 8/4/08 have been fully considered but they are not persuasive.

The applicant argues in substance,

a) Blumenau in view of Guyot in further view of Cezar does not teach, "varying an amount of display time for which a later displayed advertisement is to be displayed on a viewer's associated computer system based on an amount of time determined based on the viewer's monitored interactions with the viewer's associated computer system",

b) The rejection of claim 75 is improper,

c) Blumenau in view of Guyot in further view of Cezar does not teach, "adjusting an idle delay configured to cause a delay from the time a user has gone idle before a first advertisement is replaced with another advertisement",

d) Blumenau in view of Guyot in further view of Cezar does not teach, "adjusting an idle parameter configured to stop the display of a first advertisement from being replaced with the display of another advertisement after a user goes idle",

***In reply to a);*** The Supreme Court stated that the Federal Circuit had erred when it applied the well-known teaching-suggestion-motivation (TSM) test in an overly rigid and formalistic way. Specifically, as the Supreme Court pointed out, the Federal Circuit had erred in four ways:

(1) "by holding that courts and Patent examiners should look only to the problem the patentee was trying to solve;"

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(2) by assuming "that a person of ordinary skill attempting to solve a problem will be led only to those elements of prior art designed to solve the same problem;"

(3) by concluding "that a patent claim cannot be proved obvious merely by showing that the combination of elements was 'obvious to try,'" and

(4) by overemphasizing "the risk of court and patent examiners falling prey to hindsight bias" and as a result applying "rigid preventative rules that deny fact finders recourse to common sense." KSR, 82 USPQ2d at 1397.

In the present case, the combination of Blumenau in view of Guyot in further view of Cezar is obvious to one of ordinary skilled in the art because Blumenau, col.18, lines 33-45, does teach monitoring information regarding display of content, which is later reviewed and analyzed to enable conclusions to be drawn about how the content was displayed and possibly, to enable deductions to be made about how the content was observed. In addition, **monitoring information can be used to affect the display of a set of content.** One way in which this can occur is for a set of content, or the manner in which the set of content is displayed, **to be modified based upon review and analysis of monitoring information obtained from previous displays of the set of content.**

Guyot, Abstract, col.3, lines 55-65, col.5, lines 5-20, teaches advertisements are specifically targeted to the subscribers based on a personal profile provide by the subscriber and further teaches monitoring user's interactions in order to display advertisement, e.g. monitors the activity of any input device which includes keyboard or mouse.

Cezar, col.2, lines 20-59, col.3, lines 25-36, 45-47, col.4, lines 45-52, teaches precise timed advertisement.

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Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Blumenau in view of Guyot in further view of Cezar to customize an advertisement, e.g. how long an advertisement is shown, for a particular user in order tailor content to be displayed to a user.

One ordinary skill in the art at the time of the invention would have been motivated to combine the teachings of Blumenau, Guyot, Cezar, and customizing advertisements in order to tailor content to be displayed to a user based on user preferences and/or actions.

***In reply to b);*** The applicant has stated that claim 75 differs from claims 1-14, 64-66 and points out, "determining an amount of time to display advertisements to a particular user based on accessed data related to the particular's user's interactions, adjusting a general timing attribute, user-specific timing attribute that indicates the amount of time to display the advertisement to the particular user".

As per claim 1-14, 64-66, recites "determining an amount of time to be used in later displaying advertisements on the viewer's associated computer system based on the viewer's monitored interactions", which is substantially the same as, "determining an amount of time to display advertisements to a particular user based on accessed data related to the particular's user's interactions", "varying amount of display time for displaying advertisement", which is substantially the same as, "adjusting a general timing attribute, user-specific timing attribute that indicates the amount of time to display the

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advertisement to the particular user ", therefore based on MPEP 706, the rejection of claim 75 is deemed proper.

As per claim 75 "adjusting general timing attribute with the advertisement to be displayed to the particular user as a user-specific timing attribute that indicates an amount of time to display the advertisement to a particular user", this argument is of similar rationale to the argument as per claims 1, 15, 55. It is merely customizing an advertisement for a particular user, e.g. varying display time for different users. Therefore, it is rejected based upon the same rationale as set forth in claims 1, 15, 55, see above argument.

Furthermore, Guyot, Abstract, col.3, lines 55-65, col.4, lines 15-23, col.5, lines 5-20, teaches advertisements are specifically targeted to the subscribers based on a personal profile provide by the subscriber and further teaches monitoring user's interactions in order to display advertisement. Based on the personal profile, an advertisement is displayed a maximum number of times during the day and displayed during certain hours of the day. Cezar teaches individual timers for each advertisements. Therefore adjusting timing of an advertisement for a particular user would have been an obvious modification to one ordinary skill in the art.

***In reply to c);*** Guyot, col.5, lines 6-17, col.7, lines 49-56, teaches that when the user has gone idle from no interaction, a specific advertisement is displayed. Inherently there is a delay when an advertisement is changed from one advertisement to another. Therefore, Guyot teaches "adjusting an idle delay

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configured to cause a delay from the time a user has gone idle before a first advertisement is replaced with another advertisement”.

***In reply to d);*** The Office interprets, “adjusting an idle parameter configured to stop the display of a first advertisement from being replaced with the display of another advertisement after a user goes idle”, as displaying only one advertisement when a user goes idle.

Guyot, col.5, lines 6-17, col.7, lines 49-56, teaches that when the user has gone idle from no interaction, a specific advertisement is displayed. Only one advertisement is being displayed during the screen save mode therefore, an advertisement is not replaced with another advertisement.